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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/647,362 | 08/25/2003 | Daniel R. Jacques | | 2223 |

7590 02/20/2007
DANIEL R. JACQUES
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| EXAMINER |
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DERAKSHANI, PHILIPPE

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| ART UNIT | PAPER NUMBER |
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3754

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/20/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 10/647,362 | Applicant(s) JACQUES, DANIEL R. | |
| | Examiner PHILIPPE S. DERAESHANI | Art Unit 3754 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9-17, 19-25 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-17, 19-25 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 9, 11-17, 21-22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger et al in view of Hench.

Altenburger et al show a tank 1, flow controller (63, 65, 43), pump assembly 7, 10 and liquid delivery system 22, 27 and 30. Altenburger et al lack a mixing chamber. Hench show a mixing chamber for a gas and liquid to dispense a foam (column 2, lines 26-29). It would have been obvious to one of ordinary skill in the art to have modified Altenburger et al with a mixing chamber as taught by Hench to dispense a foam.

Claims 3-5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger et al in view of Hench as applied to claim 1 and 21 above, and further in view of Hayes.

Altenburger et al lacks a feed line, an air control valve and a fitting defining a mixing chamber. Hayes shows a feed line 55 to introduce a pressurized gas, an air control valve 60 to adjust the air pressure and a fitting 61 to generate foam. It would have been obvious to one of ordinary skill in the art to have modified the Altenburger et al device with a feed line to introduce a pressurized gas an air control valve and a fitting

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defining a mixing chamber as taught by Hayes to control the air pressure and to generate a foam.

Re claim 10 official notice has been taken that pressure release valves for pressurized containers are well known and therefore it would have been an obvious choice in design to modify Altenburger with a pressure release valve. Also admits on page 8 that a pressure release valve and a feed line are conventional accessories.

Claims 19-20, 24-25 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger et al in view of Hensch and Hayes as applied to claims 22, 23 and 29 above, and further in view of Petit et al.

The Altenburger et al/Hensch device lacks a mixing medium. Petit et al show a mixing medium 10 to facilitate mixing and to prevent debris from being dispensed. It would have been obvious to one of ordinary skill in the art to have modified the Altenburger et al/Hensch device with a mixing medium as taught by Petit et al to facilitate mixing and to prevent debris from being dispensed.

Response to Arguments

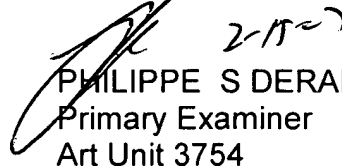
Applicant's arguments with respect to claims 1-5, 9-17, 19-25 and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIPPE S. DERAESHANI whose telephone number is 571-272-4925. The examiner can normally be reached on 8 hour days.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 2-15-07
PHILIPPE S DERAKSHANI
Primary Examiner
Art Unit 3754

PD
2/15/07